IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

WP(C).No. 982 of 2007(P)

PETITIONER:

U. SUKUMAR SHETTY,
UDYAWARGUTHU HOUSE, MANJESHWARA,
KASARGOD TALUK, KERALA STATE.

BY ADV. SRI.R.MANOJ

RESPONDENTS:
---

1. THE DEPUTY COMMISSIONER FOR
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS,
KOZHIKODE.

2. THE ASSISTANT COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS,
KANJANGAD, KASARGOD.

BY SR.GOVERNMENT PLEADER MR.M.R.SABU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K. BALI, C.J. & M.RAMACHANDRAN, J.

W.P.(C) No.982 of 2007

Dated, this the 9th day of January, 2007

JUDGMENT

V.K.Bali,C.J.(Oral)

U.Sukumar Shetty, the petitioner herein, seeks issuance of a writ in the nature of mandamus commanding the first respondent to consider Ext.P9 on merits after hearing the parties and in accordance with law within a time limit. The case of the petitioner is that his family was in management of the Manjeshwar Mada Daivagalu temple in Kasaragode District. One of the hereditary trustees was illiterate and therefore a temporary trustee was appointed in terms of Section 47 of the Hindu Religious and Charitable Endowments Act. Instead of handing over charge to the next hereditary trustee the management of the temple was taken over by the respective Executive Officer and the Assistant Commissioner. After several rounds of litigation, the petitioner had challenged the taking over of the management by filing Ext.P9 before the Deputy Commissioner which has not yet been considered.

2. Without going into the merits of the case at this stage, this Court only directs that the first respondent Deputy Commissioner will deal with Ext.P9 as expeditiously as possible and preferably within a period of three months from the date of receipt of a certified copy of this judgment in accordance with law and after hearing all concerned.

Writ petition is disposed of accordingly.

V.K. BALI,
CHIEF JUSTICE.

M.RAMACHANDRAN,
JUDGE.

vns